

DELTA PROTECTION COMMISSION

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**AGENDA ITEM #7**

July 12, 2000

To: Delta Protection Commission
From: Ryan Kelly, Legislative & Environmental Services Intern
Subject: Legislative Update

The second year of the current legislative session began on January 3, 2000, and will run through November 30, 2000. The bills left over from the first year of the session (1999), as well as new bills, will be considered in the second year of the session. The last day for new bills to be introduced was February 25, 2000.

This memo includes updates on the bills of interest to the Commission which were introduced in 1999 (identified as "two-year bills"), as well as information on the new bills of interest to the Commission which were introduced in January and February 2000.

All bills which were passed on to the Governor by the Legislature during 1999, which were subsequently signed by the Governor (chaptered into law by Secretary of State) or vetoed by the Governor, have been omitted from this memo, as have those who failed to pass their houses of origin in 1999. You may request information on these bills from Commission staff.

WATER**AB 303: Thomson: GROUNDWATER**

Existing law declares that groundwater should be managed to ensure its safe production and its quality, and authorizes specified local agencies to adopt and implement groundwater management plans. This bill would declare that additional study of groundwater resources is necessary to better understand how to effectively manage groundwater to ensure the safe production, quality, and proper storage of groundwater in the State. The bill would also require continuous appropriations into the Local Groundwater Management Assistance Fund created by the bill. The Department of Water Resources would use these appropriations to assist local agencies by awarding them grants to carry out groundwater monitoring and management activities; grants would be awarded based on the recommendations of a Technical Advisory Panel, appointed by the Secretary of the Resources Agency. *This is a two-year bill.*

STATUS: In Senate Committee on Appropriations

SB 506: Peace: STATE WATER PROJECT

This bill would prohibit the department, in connection with its operation of the State Water Project, from increasing the amount of water delivered to the entities with which it contracts that are located south of the Tehachapi Mountains beyond the maximum amount which has been delivered by the department in any calendar year prior to 2000. The bill would require the Metropolitan Water District of Southern California to demonstrate self-sufficiency, as defined, with regard to its water supplies by January 1, 2010. The bill would prohibit the district from continuing to receive State Water Project water if the district fails to meet this requirement and would provide that, in that event, the district would continue to be responsible for payments to the state under its State Water Project water supply contract, as if the district continued to receive water from the State Water Project.

STATUS: Held in Assembly Committee of Water, Parks and Wildlife without recommendation

AB 516: Wayne: PUBLIC WATER SYSTEMS

This bill would enact a framework, under which the California Safe Drinking Water Bond Act of 2000, which would authorize bonds in the amount of \$100 million for the purposes of financing a safe drinking water program, would be submitted to voters at the March 7, 2000 primary election.

This is a two-year bill.

STATUS: Due to voter approval of the water bond (Proposition 13), this bill was amended on 6/28/00 to a bill on environmental quality and mitigation measures. *It will not be included in future update memos.*

AB 732: Machado: WATER-TRANSFER CLEARINGHOUSE

This bill would require the California Water Commission to appoint a task force, with prescribed membership, to review third-party impacts of water transfers and to investigate the establishment and authority of a water-transfer clearinghouse. The task force would be required to report to the Legislature and the Governor on or before December 1, 2001. *This is a two-year bill.*

STATUS: Amended 3/13/00; Senate Committee on Agriculture and Water Resources

AB 786: Machado: SAN JOAQUIN RIVER AGREEMENT

Under existing law, various public and private agencies have entered into a "San Joaquin River Agreement" (SJRA) relating to the management of the San Joaquin River. This bill states that it is the intent of the Legislature to implement the Vernalis Adaptive Management Plan simultaneously with a comprehensive program to improve water quality and supply in the South Delta region and increase dissolved oxygen concentration in the lower San Joaquin River. *This is a two-year bill.*

STATUS: Intent of bill amended in Senate from SJ River Agreement to legislation regarding pesticide regulation, effectively killing the SJRA bill for the time being. *This bill will not be included in future update memos.*

AB 980: Ducheny: CONJUNCTIVE USE PROGRAMS

This bill would authorize the Department of Water Resources to provide grants to local public agencies for the purposes of undertaking feasibility studies, conjunctive use facilities, local pilot projects, and other facilities that are integral to the implementation of a conjunctive use plan or project, and for the acquisition of land for conjunctive use projects. *This is a two-year bill.*

STATUS: In Senate Committee on Agriculture & Water Resources

AB 1741: Thomson: WATER TRANSFERS

This bill would provide that water transfers between users within counties, watersheds, or other areas of origin shall be deemed not to operate to the injury of any legal user of water that is not located within the same hydrologic area as the transferor of the water.

STATUS: Amended 4/4/00; Assembly Committee on Water, Parks, and Wildlife

SB 1341: Burton: WATER RESOURCES

This bill would require the Department of Water Resources, as part of updating the California Water Plan, to conduct a study to determine the amount of additional water needed to meet the State's future needs and recommend programs, policies, and facilities to meet those demands. DWR would be required to submit a preliminary draft of assumptions and estimates on which updates will be based to the Legislature by January 1, 2002.

STATUS: Read third time. Amended. Unanimously Passed. To Assembly (7/5/00).

SB 1586: Costa: WATER RESOURCES

This bill would authorize the Department of Water Resources to provide grants or loans to local agencies in delta export service areas for programs and projects to increase water supply, enhance supply reliability, or improve water quality, that can be completed and provide intended benefits no later than December 31, 2006.

This bill will appropriate an unspecified sum of money from an unspecified source to carry out this program.

STATUS: Read third time. Amended. Unanimously Passed. To Assembly (7/5/00).

SB 1923: Costa: WATER RESOURCES

Under existing law, when a person entitled to use water under an appropriative right fails to use any part of the water due to conservation efforts, the reduction is deemed equivalent to a reasonable beneficial use of the water. Under this bill, the State Water Resources Control Board would be required to require any user seeking the benefits of these provisions to file periodic reports describing the extent and amount of the reduction in use due to conservation efforts. Also, this bill would require the SWRCB to provide an opportunity for review by the Department of Water Resources prior to approving a petition for a long-term transfer of water.

STATUS: Assembly Committee on Water, Parks and Wildlife.

SB 1956: Polanco: WATER: BIOSOLIDS

Publicly owned treatment works produce residuals as a result of wastewater treatment that must be disposed of, reused on land, or incinerated. When these residuals have low pollutant concentrations and are treated to reduce pathogens so that they may be safely recycled, they are called "biosolids." This bill would make legislative findings and declarations relative to promoting cooperation among local governments relating to the recycling of biosolids.

STATUS: Amended 3/28/00; Senate Committee on Environmental Quality.

SB 1973: Perata: WATER CHARGES

This bill would authorize any bona fide transferor to file a petition with the Public Utilities Commission for an adjudication of whether the determination of the amount of fair compensation, as defined, made by a state, regional, or local public agency for the proposed use of unused capacity in a water conveyance facility is consistent with a specified definition and guidelines. The bill would require that any determination by the commission regarding certain facilities involving the Sacramento-San Joaquin Delta and the San Francisco Bay include a certification, as prescribed. The bill would provide that a water conveyance facilities owner and a bona fide transferor are subject to the jurisdiction of the commission, as specified, would make violations of these provisions a crime, and would require these entities to provide information to the commission, as prescribed, thereby imposing a state-mandated local program. The bill would require the commission to remand the case to the state, regional, or local public agency for a re-determination, unless the commission determines that the public interest would be impaired by a delay. In that case, the commission would be authorized to determine the amount of fair compensation, as prescribed.

STATUS: Assembly Utilities and Commerce Committee; Hearing set for August 7, 2000.

SB 2139: Johnson: STATE WATER PROJECT CONVEYANCE FACILITIES

Existing law prohibits a state, regional, or local public agency from denying a bona fide transferor of water, if fair compensation is paid and prescribed requirements are met. This bill would require the Department of Water Resources, to convey that water in accordance with those provisions on the same terms and conditions and at the lowest price that would be applicable to that district for the conveyance of that water for its own account. The bill would authorize the district to assess an administrative charge. The bill would provide that its provisions would become operative only if SB 1973 is chaptered and takes effect on or before January 1, 2001. The bill would provide that its provisions would become inoperative on December 31, 2001, or on the date on which the Public Utilities Commission establishes prescribed guidelines, whichever date is earlier, and are repealed on January 1, 2002.

STATUS: Assembly Utilities and Commerce Committee; Hearing set for August 7, 2000.

ENVIRONMENT

AB 2785: Torlakson: MARINE ENVIRONMENT: SACRAMENTO-SAN JOAQUIN DELTA

This bill, applicable only to the portion of the Delta located in Contra Costa County, authorizes the county or a landowner to petition Department of Fish and Game, on or before January 1, 2002 to prepare a delta resource conservation and development mitigation plan for that portion of the Delta located within Contra Costa County. The plan shall generally provide for the conservation of fish and wildlife habitat resources, and anticipate and resolve potential conflicts between habitat conservation and private and public activities potentially affecting those resources.

STATUS: Assembly Committee on Water, Parks, & Wildlife

SB 1740: Leslie: NOXIOUS WEED MANAGEMENT

This bill would create and appropriate \$10 million from the General Fund to the Yellow Starthistle and Other Noxious Weeds Statewide Control Program under the jurisdiction of the Department of Food and Agriculture.

The Department would be required to develop a strategic plan for administering and implementing a statewide noxious weed control program. The bill would require the Department to actively seek new, effective biological weed control agents and to work in conjunction with State and federal agencies to minimize duplication of efforts.

STATUS: Assembly Appropriations Committee; Referred to Appropriations suspense file (7/5/00).

AGRICULTURE

AB 2364: Keeley: AGRICULTURAL LAND CONVERSION

This bill would declare the intent of the Legislature to enact legislation for the development of a program to conserve agricultural land through the use of mitigation and conversion fees paid when farmland is converted to nonagricultural uses. The fees collected would be used for the purchase of conservation easements on other equally valuable agricultural land.

STATUS: Assembly – may be heard in Committee 3/27/00

AB 2736: Aanestad: AGRICULTURAL LAND PROTECTION ACT

This bill would enact the Agricultural Land Protection Act in order to provide a reasonable level of protection for landowners that own agricultural property adjacent to habitat/conservation lands. The bill would impose certain duties on the owners of the habitat/conservation land (such as controlling rodents, pests, and noxious weeds on the property, maintaining any levees on the property for flood control purposes, and ensuring continuation of ongoing farming practices in the presence of endangered species). The bill would authorize the owner of adjacent agricultural property to recover damages from a governmental entity that designated the lands as habitat if damage attributed to wildlife becomes an economic problem on the agricultural property.

STATUS: Assembly Committee on Water, Parks, & Wildlife

RECREATION

SB 57: Hayden: PARKS, NATURAL RESOURCES, AND CLEAN COASTAL WATERS: BOND ACT

This bill would enact the Parks, Natural Resources, and Clean Coastal Waters Bond Act of 2000, which would authorize the issuance of bonds in the amount of \$2.21 billion for the maintenance, expansion, development, or rehabilitation of parks and wildlife, for the protection, restoration, or enhancement of natural resource sites, or for science and environmental education centers, museums, and other facilities. *This is a two-year bill.*

STATUS: On Assembly Appropriations Suspense File

LAND USE

SB 680: O'Connell: LAND AND WATER CONSERVATION

This bill would enact the California Land and Water Conservation Act of 1999. The Secretary of the Resources Agency would implement a program under which qualified property may be contributed to the state, any local government, or any nonprofit organization designated by a local government, in order to provide for the protection of wildlife habitat, open space, and agricultural lands. The donor would receive a tax credit for 55% of the fair market value of the property. *This is a two-year bill.*

STATUS: Assembly Committee on Appropriations, held under submission.

SB 1810: Perata: CALIFORNIA ENVIRONMENTAL QUALITY ACT: EXEMPTIONS: VINEYARDS

CEQA requires a lead agency to prepare and certify the completion of an environmental impact report on a project that may have a significant effect on the environment, or adopt a negative declaration if it finds that

the project will not have a significant effect. This bill would exempt from CEQA any project to plant (or replant) a vineyard, if the local jurisdiction has adopted a conservation ordinance establishing quantitative or qualitative conservation performance standards for vineyard planting. The adoption or strengthening of such standards by a local government would also be exempt from CEQA.

STATUS: Senate Committee on Environmental Quality.

FLOOD RELIEF/LEVEES

SB 257: Ortiz: FLOOD PROTECTION

This Bill would prohibit the state from paying more than 50% of those nonfederal costs associated with projects that are authorized by the state on or after January 1, 2001. This bill would adopt and authorize prescribed projects for flood control in the City of Sacramento and the Counties of Sacramento and Sutter at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation upon the recommendation and the advice of the Department of Water Resources or the Reclamation Board. The bill would specify related matters in connection with these projects.

STATUS: Assembly Committee on Water, Parks and Wildlife.

SB 854: Costa: FLOOD CONTROL

Existing law provides that, in order for flood control projects to be eligible for state funds, a project is required to be authorized by the Legislature before it is authorized by Congress. This bill would repeal those provisions. The bill would require a flood management project that receives financial assistance under The State Water Resources Law of 1975 or The Flood Control Law of 1946 to meet prescribed requirements prior to state authorization. The bill would revise requirements relating to the payment of prescribed nonfederal costs for projects authorized by the Legislature on or after January 1, 2000, and for specified small flood management projects for which prescribed findings are made on or after January 1, 2000, in accordance with a specified schedule. The bill would make related legislative findings and declarations and a statement of legislative intent.

STATUS: Assembly Committee on Water, Parks and Wildlife.

AB 2002: Steinberg: FLOOD CONTROL

This bill would adopt and authorize prescribed projects for flood control in the City of Sacramento and the Counties of Sacramento and Sutter. Among those prescribed projects are: flood control in the Natomas/North Sacramento areas; flood control along the American and Sacramento Rivers; project to modify Folsom Dam; and the project for flood control, environmental restoration, and recreation along South Sacramento County streams.

STATUS: Senate Committee on Agriculture and Water Resources.

SB 1918: Johnston: WATER DEVELOPMENT PROJECTS: SMALL FLOOD CONTROL PROJECTS: STATE SHARE

Existing law provides that for water development projects authorized by the Legislature, and for small flood control projects authorized by the Department of Water Resources, after January 1, 1987, the state shall pay 70% of specified nonfederal capital costs, nonfederal capital costs of fish and wildlife mitigation, and certain nonfederal planning, engineering, and design costs. This bill would reduce the State's share of the specified nonfederal capital costs and the nonfederal capital costs of fish and wildlife mitigation to 50%, and would reduce the State's share of the nonfederal planning, engineering, and design costs to 30%, for those projects authorized by the Legislature or the Department of Water Resources on or after January 1, 2001.

STATUS: Assembly Committee on Water, Parks and Wildlife.

AGENCIES

AB 1581: Lowenthal: WATER: LOCAL PORT AND HARBOR AGENCIES: FEDERAL NAVIGATION PROJECTS

This bill would appropriate \$12 million from the General Fund to the Director of Boating and Waterways for allocation for the 1999-2000 fiscal year to specified local port and harbor agencies for the purpose of meeting local cost share requirements for federal navigation projects. The language specifies that \$953,000 would be given to the Port of Sacramento, and \$147,000 would be given to the Port of Stockton. *This is a two-year bill.*

STATUS: In Senate Committee on Appropriations

AB 1839: Machado: CALIFORNIA BAY-DELTA COMMISSION

Under existing law, certain State and federal agencies with management and regulatory responsibilities in the Bay-Delta estuary participate in the CALFED Bay-Delta Program to improve ecosystem quality, water supply reliability, water quality, and the integrity of levees and channels. This bill would create the California Bay-Delta Commission, consisting of 9 members. This bill would make related findings relative to the need to provide program-wide oversight and coordination (but not develop or manage the individual programs) with regard to the implementation of the adopted CALFED plan.

STATUS: In Senate Rules Committee.

AB 2419: Machado: WATER DISTRICTS

The South Delta Water Agency and Central Delta Water Agency Acts grant those water agencies specified powers, including the authority to negotiate, enter into, and enforce agreements to protect the water supply of the lands within their agencies from salinity intrusion and to ensure a dependable water supply for those lands. This bill would authorize those water agencies to assist landowners, districts, and water right holders within their respective boundaries, and take all reasonable and lawful actions, to protect vested water rights and represent those parties in water right proceedings.

STATUS: In Assembly. To enrollment (6/30/00).

AB 2507: Steinberg: DEPARTMENT OF WATER RESOURCES: EASEMENT

This bill would require the Department of Water Resources to grant to the City of Sacramento a temporary construction easement and a permanent easement for the location of raw water transmission lines from a replacement water intake structure in the Sacramento River to the city's drinking water treatment plant, as specified. The City would be required to pay fair market value for those easements.

STATUS: Assembly Committee on Water, Parks, & Wildlife

AB 2646: Calderon: REGIONAL WATER QUALITY CONTROL BOARDS

This bill would make technical changes to the Porter-Cologne Water Quality Control Act, regarding the membership of regional water quality control boards. The nine members appointed by the Governor to each regional water quality control board shall reside or have a principal place of business within the region. The membership would consist of: one person associated with water supply, conservation, and production; one person associated with irrigated agriculture; one person associated with industrial water use; one person associated with municipal government; one person associated with county government; one person from a responsible nongovernmental organization associated with recreation, fish, or wildlife; and three persons not specifically associated with any categories, two of whom shall have special competence in areas related to water quality problems.

STATUS: Senate Environmental Quality Committee.

SB 1114: Hayden: FISH AND WILDLIFE

This bill would change the name of the Department of Fish and Game and the Fish and Game Commission to the Department of Fish and Wildlife and the Fish and Wildlife Commission, respectively. The mission of the Commission and the Department would be to conserve, protect, enhance, and maintain healthy, sustainable, and viable wildlife resources for varying purposes. This bill would require the Department to divide the State into 11 bioregions and to submit a report to the Commission and the Legislature that describes the resources being managed in each bioregion. The Governor would be required to appoint members who represent specified interests on the Fish and Wildlife Commission. *This is a two-year bill.*

STATUS: In Assembly Committee on Water, Parks, and Wildlife

**SB 1281: Chesbro: LOCAL PORT AND HARBOR AGENCIES AND LOCAL AGENCIES:
FEDERAL NAVIGATION PROJECTS: FUNDING**

This bill would appropriate \$75,000 from the General Fund to the State Lands Commission to complete an evaluation and ranking of port and harbor dredge projects by October 1, 2000.

STATUS: Second reading and amended on 6/26/00. In Assembly Appropriations Committee.

SB 1355: Johnston: DELTA PROTECTION COMMISSION

This bill would delete the two-term limit for members of the Delta Protection Commission, and would permit a member to serve for one or more consecutive terms. The bill would also delete the two-year limit on the terms of office of the Commission's Chairperson and Vice Chairperson.

STATUS: Assembly Committee on Water, Parks and Wildlife.

SB 1589: Johannessen: CALFED

This bill would declare that it is the intent of the Legislature that CALFED address issues relating to land and water use.

STATUS: Senate Committee on Rules